

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

NEVA COSTNER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:16-CV-225-SNLJ
)	
DOLGENCORP, LLC,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This case is before the Court on plaintiff Neva Costner’s motion to dismiss the case without prejudice (#37) and defendant Dolgencorp, LLC’s motion for partial summary judgment (#35), motion for attorney fees and costs (#45), and amended motion for attorney fees and costs (#49).

The Court granted Costner’s motion to dismiss the case without prejudice (#37), conditioned on Costner’s paying Dolgencorp’s costs and reasonable attorney fees (#42). Then, Dolgencorp filed its original motion for attorney fees and costs (#45), seeking \$29,016.41. Costner argued the amount was excessive because she planned to refile the case, and most of Dolgencorp’s fees and expenses resulted from work that Dolgencorp would not have to repeat when the case was refiled. The Court agreed and noted that it would entertain a revised submission of fees and costs (#48).

Next, Dolgencorp filed an amended motion for attorney fees and costs (#49), now seeking \$2,938.26. The Court finds that the fees and costs are reasonable and grants the motion.

Accordingly,

IT IS HEREBY ORDERED that defendant Dolgencorp's amended motion for attorney fees and costs (#49) is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff Costner's motion to dismiss the case without prejudice (#37) is **GRANTED**.

IT IS FURTHER ORDERED that defendant Dolgencorp's motion for partial summary judgment (#35) and motion for attorney fees and costs (#45) are **DENIED AS MOOT**.

So ordered this 12th day of December 2017.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE